By this Amendment, Applicants have amended claim 54 to put this claim in a more conventional U.S. claim method form which in no way narrows the scope of the claim. Applicants respectfully submit that claim 54 now complies with conventional U.S. claim form.

The requirement for restriction is respectfully traversed.

As an initial matter, it is noted that the Examiner correctly states that the standard to be applied to restrict the present case is the unity of invention standard which applies because this is a national stage of a PCT application. However, in this regard, it is noted that the actual PCT Examiners did not restrict this case and held to the contrary that there was no lack of unity of invention. Enclosed herewith, Applicants have enclosed a copy of the IPER which shows that there was no objection concerning unity of invention (see IPER, box 3, "cadre II" is not checked). Moreover, despite the argument of the US Examiner that the prior art citation of the International Search Report meant that the claims lacked unity because of the absence of a special technical feature, indeed the PCT Examiner who cited the prior art in this instance still concluded nevertheless that unity of invention for these claims was present.

Applicants respectfully submit that, as the PCT Examiners have already determined, claims 1-54 of the present application do indeed possess unity of invention as that term is assessed under PCT rules and thus have corresponding features that should result in all of these claims being examined at the same time.

Furthermore, contrary to the Examiner's assertion, the inventions of Examiner identified Groups I-III form a single general inventive concept. The claims of Group I (claims 1-18) relate to an adhesive composition, Group II (claims 19-43) relate to a process of making that adhesive composition, Group III (claims 44-53) are drawn to a kit

which comprises that adhesive and thus a species of the genus of Group I, and claim 54 is drawn to a method of using the adhesive composition.

There is unity of invention between the claimed Groups I-III. The unity of invention standard under 37 C.F.R. § 1.475(b)(3) states that claims of different categories of invention would be considered to have unity of invention if the claims are drawn to a product, a process specifically adapted for manufacturing the product, and a use of the product. In the present application, claims 1-18 of Group I are drawn to a product, namely an adhesive, the use of that adhesive product (Group II, claims 19-43), a product which comprises the adhesive composition (Group III, claims 44-53), and a method of using the adhesive product (claim 54). Therefore, under 37 C.F.R. § 1.475(b)(3) the subject matter of Groups I, II and III share the same inventive concept, i.e., an adhesive composition, a method of manufacturing the composition and a method of using the new and novel composition, and thus there is unity of invention among the claims of Groups I, II and III.

To complete the response, Applicants without prejudice to the above-stated arguments, provisionally elect Group III, claims 44-53.

Respectfully submitted,

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ATTACHMENT A

Marked Up Replacement Claim

Following herewith is a marked up copy of claim 54.

54. (Twice Amended) ~~The use of~~ A method for using a fluid adhesive protein foam as claimed in claim 1~~,~~ for~~:~~

preventing or stopping the bleeding of vascular or tissue wounds~~,~~~~–~~;

~~for~~ attaching biological tissues~~,~~ including live tissues~~,~~ to each other or to an adjacent ~~implanted~~ biomaterial~~,~~;

~~for~~ cicatrizing surgical or chronic wounds~~,~~~~–~~;

protecting or sealing sutures~~,~~~~–~~;

preventing the formation of postoperative adhesions~~,~~~~–~~;

delivering biologically active substances ~~in particular with medicines~~ for local application; and

filling tissue cavities ~~(bone, cartilage, skin lesions, etc)~~.

ATTACHMENT B

Clean Replacement Claim

Following herewith is a clean copy of claim 54 which replaces the previous claim 54.

54. (Twice Amended) A method for using a fluid adhesive protein foam as claimed in claim 1 for:

preventing or stopping the bleeding of vascular or tissue wounds;

attaching biological tissues including live tissues to each other or to an adjacent biomaterial;

cicatrizing surgical or chronic wounds;

protecting or sealing sutures;

preventing the formation of postoperative adhesions;

delivering biologically active substances for local application; and

filling tissue cavities.